

ESTTA Tracking number: **ESTTA70444**

Filing date: **03/13/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045396
Party	Defendant INGREDIA INGREDIA 51 - 53 Avenue Fernand Lobbedez FRX 62000 Arras,
Correspondence Address	DAVID EHRLICH FROSS ZELNICK LEHRMAN & ZISSU 866 UNITED NATIONS PLAZA NEW YORK, NY 10017
Submission	Answer
Filer's Name	Tracy L. Zawaski
Filer's e-mail	tlz@raderfishman.com, interpartesparalegals@raderfishman.com
Signature	/TLZ/
Date	03/13/2006
Attachments	ANSWER.pdf (3 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DARIGOLD, INC.
d/b/a WESTFARM FOODS,

Petitioner,
v.

Cancellation No.: 92045396
Registration No.: 2,615,667
Mark: PROMILK

INGREDIA,

Respondent.

_____ /

ANSWER TO PETITION FOR CANCELLATION

Respondent INGREDIA, by and through its counsel, answers the Petition for Cancellation filed by Petitioner DARIGOLD, INC. d/b/a WESTFARM FOODS as follows.

1. Respondent admits that the U.S. Patent and Trademark Office records reflect that Petitioner is the applicant for Application Serial No. 78/584,947 for the mark MILKPRO, with an address of 635 Elliott Avenue, West Seattle, Washington 98119.

2. Respondent denies that it is a French corporation. Respondent admits the remaining allegations of this paragraph.

3. Admitted.

4. Respondent is without sufficient information to either admit or deny and therefore denies the allegations of this paragraph.

5. Denied.

Affirmative Defenses

1. The Petition for Cancellation is barred because Petitioner has failed to state a claim upon which relief can be granted.

2. The Petition for Cancellation is barred by waiver.

3. The Petition for Cancellation is barred by estoppel.

4. The Petition for Cancellation is barred by laches.

5. The Petition for Cancellation is barred by acquiescence.

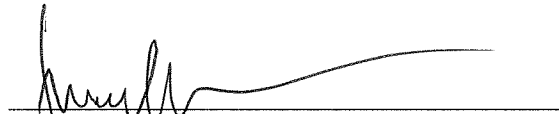
6. Respondent will assert any and all other valid defenses that will be developed through the discovery and/or testimony periods in this proceeding.

WHEREFORE, Respondent prays that the Petition for Cancellation be dismissed with prejudice.

Respectfully submitted,

Date: March 13, 2006

By:



Mary Margaret L. O'Donnell

Tracy L. Zawaski

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

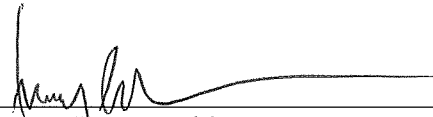
(248) 594-0600

Attorneys for Respondent

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) on the following date:

Date: March 13, 2006



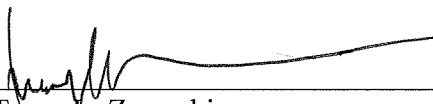
Tracy L. Zawaski

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing *Answer to Petition for Cancellation* upon Petitioner by causing a true and correct copy thereof to be sent by first class mail, postage prepaid to:

Thomas J. Hoffmann
DLA PIPER RUDNICK GRAY CARY US LLP
701 Fifth Avenue, Suite 7000
Seattle, WA 98107

Date: March 13, 2006



Tracy L. Zawaski